

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
18-CA-168967Date Filed  
February 03, 2016**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer Larry Brown, a McDonald's Franchisee, McDonald's USA LLC as Joint or Single Employer		b. Tel. No. (515) 243-1137	
		c. Cell No.	
		f. Fax No.	
d. Address (Street, city, state, and ZIP code) 3000 SE 14th St. Des Moines IA 50316		e. Employer Representative (b) (6), (b) (7)(C)	
		g. e-Mail	
		h. Number of workers employed 35	
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants		j. Identify principal product or service Fast food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) (1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (2) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (3) Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union. (4) Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their union activities.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Michael Enriquez Title: Mid-South Organizing Committee			
4a. Address (Street and number, city, state, and ZIP code) 438 Skinker Blvd. St. Louis MO 63112		4b. Tel. No. (816) 585-7866	
		4c. Cell No.	
		4d. Fax No.	
		4e. e-Mail (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (515) 284-5737	
By Charles Gribble (signature of representative or person making charge)		Office, if any, Cell No.	
Charles Gribble Title: (Print/type name and title or office, if any)		Fax No. (515) 284-1704	
2910 Grand Ave Address Des Moines IA 50312		e-Mail cgribble@parrishlaw.com	
		02/3/2016 10:18:14 (date)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## NxGen Allegations Sheet – CA Cases

Case Name: Larry Brown, a McDonald's Franchisee..

Case Number: Efiled 1-1584797061 18-CA-168967

Agent: Joe

Impact Analysis Category 1

Amended **A = Add allegations R = Amend out**

Bargaining Status: **None** **Existing Contract** **Organizational Campaign** ✓

**Seeking Initial Contract** **Seeking Successor Contract**

Use backpay paragraph? **Yes** **No** ✓ Assistance in Spanish required? **Yes** **No** ✓

I.O. Charge? **Yes** **No** ✓

10(j) requested? **Yes** **No** ✓

Blocking R case? **Yes** **No** ✓

Case Blocked \_\_\_\_\_

### 8(a)(1)

<input checked="" type="checkbox"/>	Coercive Actions (Surveillance, etc.)
	Coercive Rules
<input checked="" type="checkbox"/>	Coercive Statements (Threats, Promises of Benefits, etc.)
	Concerted Activities (Retaliation, Discharge, Discipline)
	Denial of Access
	Discharge of Supervisor ( <i>Parker-Robb Chevrolet</i> )
<input checked="" type="checkbox"/>	Interrogation (Including Polling)
	Lawsuits
	Weingarten

### 8(a)(2)

	Assistance
	Domination
	Unlawful Recognition

### 8(a)(3) Number of Discriminatees Unknown

	Changes in Terms and Conditions of Employment
<input checked="" type="checkbox"/>	Discharge (Including Layoff and Refusal to Hire (not salting))
<input checked="" type="checkbox"/>	Discipline
	Lockout
	Refusal to Consider/Hire Applicant (salting only)
	Refusal to Hire Majority
	Refusal to Reinstate E'ee/Striker (e.g. <i>Laidlaw</i> )
	Retaliatory Lawsuit
	Shutdown or Relocate/Subcontract Unit Work
	Union Security Related Actions

### 8(a)(4)

	Changes in Terms and Conditions of Employment
	Discharge (Including Layoff and Refusal to Hire
	Discipline
	Refusal to Reinstate Employee/Striker
	Shutdown or Relocate/Subcontract Unit Work

### 8(a)(5)

	Alter Ego
	Failure to Sign Agreement
	Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing)
	Refusal to Furnish Information
	Refusal to Recognize
	Repudiation/Modification of Contract (Sec 8(d)/Unilateral Changes)
	Shutdown or Relocate (e.g. <i>First National Maint.</i> ) Subcontract Work



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



Download  
NLRB  
Mobile App

February 3, 2016

MICHAEL ENRIQUEZ  
MID-SOUTH ORGANIZING COMMITTEE  
438 SKINKER BLVD.  
ST. LOUIS, MO 63112

Re: Larry Brown, a McDonald's Franchisee,  
McDonald's USA LLC as Joint or Single  
Employer  
Case 18-CA-168967

Dear Mr. Enriquez:

The charge that you filed in this case on February 03, 2016 has been docketed as case number 18-CA-168967. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOSEPH BORNONG whose telephone number is (612)348-1772. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (612)348-1759.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

February 3, 2016

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marlin O. Osthus". The signature is fluid and cursive, with the first name "Marlin" being more prominent than the last name "Osthus".

MARLIN O. OSTHUS  
Regional Director

cc: CHARLES GRIBBLE  
PARRISH KRUIDENIER DUNN BOLES GRIBBLE  
GENTRY BROWN & BERGMANN L.L.P.  
2910 GRAND AVE  
DES MOINES, IA 50312



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



Download  
NLRB  
Mobile App

February 3, 2016

(b) (6), (b) (7)(C)

LARRY BROWN, A MCDONALD'S FRANCHISEE,  
MCDONALD'S USA LLC AS JOINT OR SINGLE EMPLOYER  
3000 SE 14TH ST.  
DES MOINES, IA 50316

Re: Larry Brown, a McDonald's Franchisee,  
McDonald's USA LLC as Joint or Single  
Employer  
Case 18-CA-168967

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOSEPH BORNONG whose telephone number is (612)348-1772. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (612)348-1759.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

February 3, 2016

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



MARLIN O. OSTHUS  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

18-CA-168967

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LARRY BROWN, A MCDONALD'S  
FRANCHISEE, MCDONALD'S USA LLC AS  
JOINT OR SINGLE EMPLOYER**

Charged Party

and

**MID-SOUTH ORGANIZING COMMITTEE**

Charging Party

**Case 18-CA-168967**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 3, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

Larry Brown, a McDonald's Franchisee,  
McDonald's USA LLC as Joint or Single  
Employer  
3000 SE 14th St.  
Des Moines, IA 50316

February 3, 2016

Date

Andrea G. Wichmann,  
Designated Agent of NLRB

Name

/s/ Andrea G. Wichmann

Signature



## **Additional Information in Support of Charge**

**Charging Party Name :** Michael Enriquez

**Inquiry Number :** 1-1584797061

**Date Submitted :** 02/3/2016 10:18:14

Please provide a brief description of the specific conduct involved, the dates of the conduct, and the person(s) responsible for the conduct. For example, if you are filing a charge alleging an unlawful discharge, please include the date of the discharge and the individual(s) discharged. If you are claiming that the employer failed to provide information to the union, please include the date of request, the name and title of person to whom request was submitted, and a general description of information that was requested but not provided. If you are claiming that the union has failed to represent you in a grievance matter, please include the nature of the grievance.

The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed.

After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

### **Additional Information Provided:**

On or about January 27-29, 2016, the Employer interfered with, restrained, and coerced its employees by interrogating employees about their union and protected concerted activities, by threatening to contact the police to evict union organizers from its restaurant, by contacting the police to evict union organizers from its restaurant, by telling employees that it contacted the police to evict union organizers, by showing disapproval of union activity, and threatening employees in a derogatory manner.

**From:** [Incoming Fax](#)  
**To:** [FM-Minneapolis----- FAX#: 612-348-1785](#)  
**Subject:** fax from "612 486 1701" for "NLRB"  
**Date:** Wednesday, February 17, 2016 1:40:23 PM  
**Attachments:** [faxreceive.2016-02-17-12-39-19\\_F07.pdf](#)

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overall result : OK  
calling party phone number : 0016124861701  
calling party ID : '612 486 1701'  
called party phone number : +16123481785  
called party ID : 'NLRB'  
call setup : 2016-02-17-12.39.19  
call duration : 60  
page count : 4  
transfer rate : 14400 bps  
resolution : low



225 South Sixth Street | Suite 3150  
Minneapolis, Minnesota 55402  
Tel 612-486-1700 | Fax 612-486-1701  
www.fordharrison.com | www.iuslaboris.com

**FACSIMILE TRANSMISSION**

Date: February 17, 2016

Client-Matter Number:

Time:

To:

Name:	Fax:	Phone:
Joseph Bornong, Esq. National Labor Relations Board - Region 18	(612) 348-1785	

From: Alec J. Beck

Email: abeck@fordharrison.com

Phone: 612-486-1629

Re: BCDG, LP (Incorrectly named as Larry Brown, a McDonald's Franchisee)  
Case 18-CA-168967

Number of Pages with Cover Page:	4	Originals Will Follow By Regular Mail
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**MESSAGE:****CAUTION - CONFIDENTIAL**

THIS FACSIMILE TRANSMISSION IS INTENDED ONLY FOR THE ADDRESSEE SHOWN ABOVE. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL OR OTHERWISE PROTECTED FROM DISCLOSURE. ANY REVIEW, DISSEMINATION OR USE OF THIS TRANSMISSION OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL CHERYL DITCH AT (612) 486-1632 AS SOON AS POSSIBLE.



225 South Sixth Street | Suite 3150  
Minneapolis, Minnesota 55402  
Tel 612-486-1700 | Fax 612-486-1701

Writer's Direct Dial:

ALEC J. BECK  
612-486-1629  
abeck@fordharrison.com

February 17, 2016

VIA FACSIMILE AND  
UNITED STATES MAIL

Joseph Bornong, Esq.  
Field Attorney  
National Labor Relations Board – Region 18  
212 Third Avenue South – Suite 200  
Minneapolis, MN 55401-2657

Re: BCDG, LP (incorrectly named as Larry Brown, a McDonald's Franchisee)  
Case 18-CA-168967

Dear Mr. Bornong:

This office represents Respondent BCDG, LP in the above matter. Attached please find a Notice of Appearance. We anticipate filing a Statement of Position and other required documentation in a timely manner. In the meantime, please feel free to contact me with any questions or comments.

Sincerely,

Alec J. Beck

AJB (b) (6), (b) (7)(C)  
attachment

c: (b) (6), (b) (7)(C) (via electronic mail)  
Rachel Stern, Esq. (via electronic mail)

rstern@kbrlaw.com

(b) (5), (b) (7) @bcdglp.com

NLRB Fax: 612-348-1785

WSACTIVELLP:8267846.1

FORM NLRB-4701  
(9-03)

## NATIONAL LABOR RELATIONS BOARD

## NOTICE OF APPEARANCE

Michael Enriquez  
Mid-South Organizing Committee

and

BCDG, LP, incorrectly named as Larry Brown, a  
McDonald's Franchisee, and McDonald's USA LLC as a  
Joint or Single Employer

CASE 18-CA-168967

☒ REGIONAL DIRECTOR☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

BCDG, LP, incorrectly named as Larry Brown, a McDonald's Franchisee

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

## (REPRESENTATIVE INFORMATION)

NAME: Alec J. BeckMAILING ADDRESS: 225 S. 6th Street, Suite 3150, Minneapolis, MN 55402E-MAIL ADDRESS: abeck@fordharrison.comOFFICE TELEPHONE NUMBER: 612-486-1629CELL PHONE NUMBER: 952-457-7682FAX: 612-486-1701SIGNATURE: Alec J. Beck

(Please sign in ink.)

DATE: 2-17-16

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



Ius Laboris USA Global HR Lawyers

225 South Sixth Street | Suite 3150  
Minneapolis, Minnesota 55402  
Tel 612-486-1700 | Fax 612-486-1701  
[www.fordharrison.com](http://www.fordharrison.com) | [www.iuslaboris.com](http://www.iuslaboris.com)

**FACSIMILE TRANSMISSION**

Date: February 17, 2016

Client-Matter Number:

Time:

To:

Name:	Fax:	Phone:
Joseph Bornong, Esq. National Labor Relations Board - Region 18	(612) 348-1785	

From: Alec J. Beck

Email: [abeck@fordharrison.com](mailto:abeck@fordharrison.com)

Phone: 612-486-1629

Re: BCDG, LP (incorrectly named as Larry Brown, a McDonald's Franchisee)  
Case 18-CA-168967

Number of Pages with Cover Page:	4	Originals Will Follow By Regular Mail
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Tel 612-486-1700 | Fax 612-486-1701

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abeck@fordharrison.com

February 17, 2016

VIA FACSIMILE AND  
UNITED STATES MAIL

Joseph Bornong, Esq.  
Field Attorney  
National Labor Relations Board – Region 18  
212 Third Avenue South – Suite 200  
Minneapolis, MN 55401-2657

Re: BCDG, LP (incorrectly named as Larry Brown, a McDonald's Franchisee)  
Case 18-CA-168967

Dear Mr. Bornong:

This office represents Respondent BCDG, LP in the above matter. Attached please find a Notice of Appearance. We anticipate filing a Statement of Position and other required documentation in a timely manner. In the meantime, please feel free to contact me with any questions or comments.

Sincerely,

Alec J. Beck

AJB (b) (6), (b) (7)(C)  
attachment

c: (b) (6), (b) (7)(C) (via electronic mail)  
Rachel Stern, Esq. (via electronic mail)

rstern@kbrlaw.com

(b) (5), (D) @bcdglp.com

NLRB Fax: 612-348-1785

WSACTIVE LLP:8267846.1

**From:** [Osthus, Marlin O.](#)  
**To:** [Bornong, Joe](#)  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews  
**Date:** Friday, February 19, 2016 4:19:33 PM  
**Attachments:** [image001.jpg](#)

---

Upload this into the relevant nxGen file.

---

**From:** Osthus, Marlin O.  
**Sent:** Friday, February 19, 2016 3:13 PM  
**To:** Dunham, Geoffrey <[geoffrey.dunham@nrlb.gov](mailto:geoffrey.dunham@nrlb.gov)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Geoff,

I was out of the office when a series of charges came in involving the fast food industry – including McDonalds. Because I was not aware of the filings, you were not sent copies of the ones involving McDonalds. The investigating agent is (b) (5) of a charge against McDonalds involving a Des Moines, Iowa location, in Case 18-CA-168967. (b) (5)  
(b) (5)  
(b) (5) I will send you a copy of the charge in 18-CA-168967 right after this email so you can review it. (b) (5)  
(b) (5)

Later today I will send you a copy of a second charge against McDonalds that has not been withdrawn.

Marlin

---

**From:** Bokde, Ashok C.  
**Sent:** Friday, February 19, 2016 2:35 PM  
**To:** Osthus, Marlin O. <[Marlin.Osthus@nrlb.gov](mailto:Marlin.Osthus@nrlb.gov)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

(b) (5)

Ashok

---

**From:** Bornong, Joe  
**Sent:** Friday, February 19, 2016 8:40 AM  
**To:** Bokde, Ashok C. <[Ashok.Bokde@nrlb.gov](mailto:Ashok.Bokde@nrlb.gov)>

**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

(b) (5) – for Larry Brown A McDonald's Franchisee, 18-CA-168967. Charles Gribble signed the charge; John Maschman, author of the withdrawal request, is his law partner or associate.

(b) (5)

---

**From:** John Maschman [<mailto:jmaschman@ParrishLaw.com>]

**Sent:** Thursday, February 18, 2016 4:33 PM

**To:** Bornong, Joe <[Joe.Bornong@nlrb.gov](mailto:Joe.Bornong@nlrb.gov)>

**Cc:** Charles Gribble <[cgribble@ParrishLaw.com](mailto:cgribble@ParrishLaw.com)>; (b) (6), (b) (7)(C) <[@ParrishLaw.com](mailto:@ParrishLaw.com)>

**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Mr. Bornong:

Confirming we will call you at (b) (6), (b) (7)(C) at your office regarding the interview of (b) (6), (b) (7)(C) (East Euclid Ave. McDonald's) (b) (6), (b) (7)(C)

Additionally, we are withdrawing Case No. 18-CA-168967 (the SE 14<sup>th</sup> St McDonald's charge). Thank you.

---

**From:** (b) (6), (b) (7)

**Sent:** Wednesday, February 17, 2016 3:21 PM

**To:** 'Bornong, Joe'

**Cc:** Charles Gribble; John Maschman

**Subject:** RE: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

To summarize our phone call:

A notice of appearance has now been filed for (b) (6), (b) (7)(C), so we can initiate the call. (b) (6), (b) (7)(C) works at the McDonalds on East Euclid Avenue. We have a potential witness for the McDonald's on East 14<sup>th</sup> Street, but we are still in the process of confirming (b) (6), (b) (7)(C) availability on (b) (6), (b) (7)(C). We will let you know as soon as we have confirmation.

We will initiate the call on (b) (6), (b) (7)(C) to you on your cell phone(612-202-0935) per your request, and (b) (6), (b) (7)(C) initiate the call to your office (612-348-1772). Thank you.

---

**From:** Bornong, Joe [<mailto:Joe.Bornong@nlrb.gov>]

**Sent:** Wednesday, February 17, 2016 11:37 AM

**To:** (b) (6), (b) (7)

**Cc:** John Maschman; Charles Gribble

**Subject:** RE: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Those times are fine. I notice you have notices of appearance filed on behalf of (b) (6), (b) (7)(C) personally, so do you want to initiate the call?

Which of the two McDonald's does (b) (6), (b) (7) work at? Is (b) (6), (b) (7) the only witness for (b) (6), (b) (7) McDonald's cases? I don't have a notice of appearance for you on her behalf so I propose to call (b) (6), (b) (7) directly. So I need a phone number.

---

**From:** (b) (6), (b) (7)(C) [ParrishLaw.com]  
**Sent:** Wednesday, February 17, 2016 10:26 AM  
**To:** Bornong, Joe <Joe.Bornong@nlrb.gov>  
**Cc:** John Maschman <jmaschman@ParrishLaw.com>; Charles Gribble <cgribble@ParrishLaw.com>  
**Subject:** Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Mr. Bornong:

Last week yourself and Mr. Maschman from our office tentatively scheduled witness interviews for (b) (6), (b) (7)(C) regarding the above-referenced cases. We finally have confirmation of the witnesses schedules and wanted to confirm your availability for (b) (6), (b) (7)(C) and inquire as to your availability on (b) (6), (b) (7)(C) to interview the McDonalds witness.

Taco Bell - (b) (6), (b) (7)(C)

1. (b) (6), (b) (7)(C) will testify as to over-enforcing telephone rules
2. (b) (6), (b) (7)(C) will testify to (b) (6), (b) (7) manager threatening (b) (6), (b) (7) job if (b) (6), (b) (7) took part in labor-related activities. (b) (6), (b) (7) was also targeted after the fact with harsher enforcement of work rules against (b) (6), (b) (7)

McDonalds - (b) (6), (b) (7)(C)

1. (b) (6), (b) (7)(C) will testify about how (b) (6), (b) (7) hours were reduced and (b) (6), (b) (7) employer threatened (b) (6), (b) (7) and other demonstrators with police action.

Please let me know if you are available (b) (6), (b) (7)(C) beginning at (b) (6), (b) (7) to complete the above-mentioned interviews. Thank you.

(b) (6), (b) (7)  
(C)

Parrish Kruidenier Dunn Boles Gribble  
Gentry Brown & Bergmann L.L.P.  
2910 Grand Avenue  
Des Moines, Iowa 50312

(b) (6), (b) (7)

(515) 284-1704 (FAX)

<http://www.parrishlaw.com>



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**From:** [Osthus, Marlin O.](#)  
**To:** [Bornong, Joe](#)  
**Subject:** FW:  
**Date:** Friday, February 19, 2016 4:20:09 PM  
**Attachments:** [CHG.18-CA-168967.SignedChargeAgainstEmployer\\_Wiz.pdf](#)

---

[Upload this into the relevant NxGen file.](#) Marlin

---

**From:** Osthus, Marlin O.  
**Sent:** Friday, February 19, 2016 3:14 PM  
**To:** Dunham, Geoffrey <[geoffrey.dunham@nrlb.gov](mailto:geoffrey.dunham@nrlb.gov)>  
**Subject:**

Attached is the charge in the case where the charging party has requested withdrawal, referenced in my email sent about 45 seconds ago.

Marlin



INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
18-CA-168967Date Filed  
February 03, 2016**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Larry Brown, a McDonald's Franchisee, McDonald's USA LLC as Joint or Single Employer	b. Tel. No. (515) 243-1137
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 3000 SE 14th St. Des Moines IA 50316	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-Mail
	h. Number of workers employed 35
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service Fast food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) (1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (2) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (3) Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union. (4) Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees about their union activities.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Michael Enriquez Title: Mid-South Organizing Committee	
4a. Address (Street and number, city, state, and ZIP code) 438 Skinker Blvd. St. Louis MO 63112	4b. Tel. No. (816) 585-7866
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By Charles Gribble (signature of representative or person making charge)	Charles Gribble Title: (Print/type name and title or office, if any)
2910 Grand Ave Address Des Moines IA 50312	Tel. No. (515) 284-5737
	Office, if any, Cell No.
	Fax No. (515) 284-1704
	e-Mail cgribble@parrishlaw.com

02/3/2016 10:18:14  
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**From:** [Osthus, Marlin O.](#)  
**To:** [Wichmann, Andrea G.](#)  
**Subject:** FW: Withdrawal Request Approved: McDonalds - 18-CA-168967  
**Date:** Monday, February 22, 2016 9:11:42 AM  
**Attachments:** [image001.jpg](#)

---

Andrea,

I approve the withdrawal request in this case. To be clear, the charge being withdrawn is 18-CA-168967. Please make sure that this email chain is uploaded into the NxGen file, both as my approval of the withdrawal request, but also as Region 2's approval (charges involving McDonald's are coordinated by Region 2). In addition, close the NxGen file as a withdrawal (this is not an adjustment), and of course send a letter approving withdrawal to the parties.

Thanks,

Marlin

---

**From:** Dunham, Geoffrey  
**Sent:** Friday, February 19, 2016 4:18 PM  
**To:** Osthus, Marlin O. <Marlin.Osthus@nlrb.gov>  
**Cc:** Wainstein, Richard <Richard.Wainstein@nlrb.gov>; Kelly, David A. <David.Kelly@nlrb.gov>; Roberts, Tracey <Tracey.Roberts@nlrb.gov>  
**Subject:** FW: Withdrawal Request Approved: McDonalds - 18-CA-168967

OK to process withdrawal request in 18-CA-168967

---

**From:** Osthus, Marlin O.  
**Sent:** Friday, February 19, 2016 4:12 PM  
**To:** Dunham, Geoffrey <[geoffrey.dunham@nlrb.gov](mailto:geoffrey.dunham@nlrb.gov)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Geoff,

I was out of the office when a series of charges came in involving the fast food industry – including McDonalds. Because I was not aware of the filings, you were not sent copies of the ones involving McDonalds. The investigating agent is (b) (5) of a charge against McDonalds involving a Des Moines, Iowa location, in Case 18-CA-168967. (b) (5)

(b) (5),  
I will send you a copy of the charge in 18-CA-168967 right after this email so you can review it. (b) (5)

Later today I will send you a copy of a second charge against McDonalds that has not been withdrawn.

Marlin

---

**From:** Bokde, Ashok C.  
**Sent:** Friday, February 19, 2016 2:35 PM  
**To:** Osthus, Marlin O. <[Marlin.Osthus@nlrb.gov](mailto:Marlin.Osthus@nlrb.gov)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

(b) (5)

Ashok

---

**From:** Bornong, Joe  
**Sent:** Friday, February 19, 2016 8:40 AM  
**To:** Bokde, Ashok C. <[Ashok.Bokde@nlrb.gov](mailto:Ashok.Bokde@nlrb.gov)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

(b) (5) – for Larry Brown A McDonald's Franchisee, 18-CA-168967. Charles Gribble signed the charge; John Maschman, author of the withdrawal request, is his law partner or associate.

(b) (5)

---

**From:** John Maschman [<mailto:jmaschman@ParrishLaw.com>]  
**Sent:** Thursday, February 18, 2016 4:33 PM  
**To:** Bornong, Joe <[Joe.Bornong@nlrb.gov](mailto:Joe.Bornong@nlrb.gov)>  
**Cc:** Charles Gribble <[cgribble@ParrishLaw.com](mailto:cgribble@ParrishLaw.com)>; (b) (6), (b) (7)(C) <[\(b\) \(6\), \(b\) \(7\)\(C\)@ParrishLaw.com](mailto:(b) (6), (b) (7)(C)@ParrishLaw.com)>  
**Subject:** FW: Taco Bell - 169030/McDonalds - 168977/168967 Interviews

Mr. Bornong:

Confirming we will call you at (b) (6), (b) (7)(C) at your office regarding the interview of (b) (6), (b) (7)(C) (East Euclid Ave. McDonald's) (b) (6), (b) (7)(C)

Additionally, we are withdrawing Case No. 18-CA-168967 (the SE 14<sup>th</sup> St McDonald's charge). Thank you.

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**Sent:** Wednesday, February 17, 2016 3:21 PM  
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**Cc:** Charles Gribble; John Maschman  
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**To:** (b) (6), (b) (7)  
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**From:** (b) (6), (b) (7)(C) [[@ParrishLaw.com](mailto:(b) (6), (b) (7)(C)@ParrishLaw.com)]  
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**To:** Bornong, Joe <[Joe.Bornong@nlrb.gov](mailto:Joe.Bornong@nlrb.gov)>  
**Cc:** John Maschman <[jmaschman@ParrishLaw.com](mailto:jmaschman@ParrishLaw.com)>; Charles Gribble <[cgribble@ParrishLaw.com](mailto:cgribble@ParrishLaw.com)>  
**Subject:** Taco Bell - 169030/McDonalds - 168977/168967 Interviews

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Taco Bell - (b) (6), (b) (7)(C).

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McDonalds - (b) (6), (b) (7)(C)

1. (b) (6), (b) (7)(C) will testify about how (b) (6), (b) (7)(C) hours were reduced and (b) (6), (b) (7)(C) employer threatened (b) (6), (b) (7)(C) and other demonstrators with police action.

Please let me know if you are available (b) (6), (b) (7)(C) beginning at (b) (6), (b) (7)(C) to complete the above-mentioned interviews. Thank you.

(b) (6), (b) (7)(C)

Parrish Kruidenier Dunn Boles Gribble  
Gentry Brown & Bergmann L.L.P.  
2910 Grand Avenue  
Des Moines, Iowa 50312

(b) (6), (b) (7)(C)  
(515) 284-1704 (FAX)

<http://www.parrishlaw.com>



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Case Name: Larry Brown, a McDonald's Franchisee, McDonald's USA LLC as Joint or Single Employer  
Case No.: 18-CA-168967  
Agent: [AGENT NAME AND TITLE]

## CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785

February 22, 2016

BRANDON DIXON, ESQ.  
JONES DAY  
77 W. WACKER DR., SUITE 3500  
CHICAGO, IL 60601-1604

MICHAEL S. FERRELL, ESQ.  
JONES DAY  
77 W. WACKER DR., SUITE 3500  
CHICAGO, IL 60601-1604

DOREEN S. DAVIS, ESQ.  
JONES DAY  
222 E 41ST ST  
NEW YORK, NY 10017-6702

ALEC J. BECK, ATTORNEY  
FORD HARRISON  
225 S 6TH ST STE 3150  
MINNEAPOLIS, MN 55402-4640

Re: Larry Brown, a McDonald's Franchisee,  
McDonald's USA LLC as Joint or Single  
Employer  
Case 18-CA-168967

Dear Mr. Dixon, Mr. Ferrell, Ms. Davis, and Mr. Beck:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Marlin O. Osthus

MARLIN O. OSTHUS  
Regional Director



Larry Brown, a McDonald's Franchisee,  
McDonald's USA LLC as Joint or Single  
Employer  
Case 18-CA-168967

- 2 -

February 22, 2016

cc:

(b) (6), (b) (7)(C)

LARRY BROWN, A MCDONALD'S FRANCHISEE,  
MCDONALD'S USA LLC AS JOINT OR SINGLE  
EMPLOYER  
3000 SE 14TH ST.  
DES MOINES, IA 50316

MICHAEL ENRIQUEZ  
MID-SOUTH ORGANIZING COMMITTEE  
438 SKINKER BLVD.  
ST. LOUIS, MO 63112

CHARLES GRIBBLE  
PARRISH KRUIDENIER DUNN BOLES GRIBBLE  
GENTRY BROWN & BERGMANN L.L.P.  
2910 GRAND AVE  
DES MOINES, IA 50312